# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

EUGENE DIVISION

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad ) litem, on behalf of S.M., a ) Civil No. minor, ) 6:20-cv-01163-MK ) VIDEOCONFERENCE Plaintiffs, ) DEPOSITION v. MARK DANNELS, PAT DOWNING, SUSAN HORMANN, MARY KRINGS, KRIS KARCHER, SHELLY MCINNES, RAYMOND MCNEELY, KIP OSWALD, MICHAEL REAVES, JOHN RIDDLE, SEAN SANBORN, ERIC SCHWENNINGER, RICHARD WALTER, CHRIS WEBLEY, ANTHONY WETMORE, KATHY WILCOX, CRAIG ZANNI, DAVID ZAVALA, ESTATE OF DAVE HALL, VIDOCO SOCIETY, CITY OF COQUILLE, CITY OF COOS BAY, COOS COUNTY, and OREGON STATE POLICE, Defendants.

DEPOSITION UPON ORAL EXAMINATION

OF SEAN M. SANBORN

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Page 2
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            BE IT REMEMBERED THAT, pursuant to the Oregon Rules of
                                                                                 ALSO PRESENT:
                                                                                        Craig Zanni
 2 Civil Procedure, the deposition of SEAN M. SANBORN, an
                                                                                        Chris Webley
 3 adverse-party witness, was taken remotely via videoconference
                                                                                        Richard Walter
 4 on behalf of the Plaintiffs, before JEAN M. KOSTNER, a
 5 Certified Court Reporter for Oregon, on Thursday, the 16th day
                                                                                  REPORTED BY:
 6 of December, 2021, at the hour of 9:00 a.m., in the State of
                                                                                        Jean M. Kostner, CSR #90-0051
                                                                                          Subcontractor for:
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                                                                                             US LEGAL SUPPORT
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                                                                Page 3
                                                                                                                                            Page 5
                                                                                                          INDEX OF TESTIMONY
                            APPEARANCES
                                                                            1
                                                                            2
      ON BEHALF OF THE PLAINTIFFS:
           Andrew C. Lauersdorf, OSB #980739
Christine A. Webb, OSB #184744
Janis C. Puracal, OSB #132288
 4
                                                                            3
                                                                                WITNESS
                                                                                                                                                PAGE
                                                                            4
                                                                                      SEAN M. SANBORN
           MALONEY LAUERSDORF, REINER, PC
111 East Burnside Street, Suite 300
                                                                                            Examination by Mr. Lauersdorf . . . . . . . . 7
 6
            Portland, Oregon 97214
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      ON BEHALF OF THE DEFENDANTS:
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              (Representing City of Coquille, City of Coos Bay,
Coos County, Craig Zanni, Chris Webley, Eric
Schwenninger, Sean Sanborn, Ray McNeely, Kris
14
                                                                            14
15
              Karcher, Pat Downing, Mark Dannels, Kip Oswald, Michael Reaves, David Zavala, Anthony Wetmore,
                                                                            15
16
                                                                            16
              Shelly D. McInnes)
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            Todd Marshall
           OREGON DEPARTMENT OF JUSTICE
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              (Representing Oregon State Police, John Riddle,
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              Susan Hormann, Mary Krings, Kathy Wilcox)
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           Karin L. Schaffer
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            kschaffer@wshblaw.com
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25
              (Representing Vidocq Society and Richard Walters)
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1		INDEX OF EXHIBITS	Page 6	1	Α.	Page 8
2				2		
	DEPOSITION				Q.	Okay. What's your place and date of birth?
3	EXHIBIT NO.	DESCRIPTION	IDENTIFIED	3	Α.	I was born in Coos Bay, Oregon, on March 24th,
5	1	Oregon Criminal Justice Information			1979.	
٥	1	Records Inquiry System (18 pages)	77	5	Q.	Okay. What's your current address?
6		Records inquiry System (10 pages)		6	A.	Home address?
	2	Control Holds - Bent Arm Takedown	85	7	Q.	You can give a business address. That's fine.
7				8	A.	250 North Baxter Street, Coquille, Oregon 97423.
	3	Geddry Blog - Welcome to Coquille		9	Q.	And what's your current phone number there?
8	5	(85 pages)	98	10	Α.	(541) 396-7874 is my desk number.
9	6	Brady List For Coos County Dannel's Press Conference (5 pages)	109 139	11	0.	Okay. I can see from your uniform that you are
11	7	ABC News Video - What Happened to	133		~	employed by the Coos County Sheriff's Office. Is
		Leah Freeman	165			
12				13	that correc	
	9	ABC News Video - What Happened to		14	A.	Yes, sir.
13	12	Leah Freeman	173	15	Q.	And what's your title at the sheriff's office?
14	13	Coquille Police Incident Report Kyla Stevens (10 pages)	181	16	A.	Sergeant.
15		Kyla beevenb (10 pageb)	101	17	Q.	When did you start there?
16				18	A.	I started at the sheriff's office in March of 2013.
17				19	Q.	Okay. And what's your DPSST?
18				20	A.	48434.
19				21	Q.	Okay. So you're here today to be deposed. Do you
20					understand	
22						
23				23	Α.	Yes, sir.
24				24	Q.	And this is the time and place previously agreed
25				25	upon. It's	s Thursday, December 16th, 2021, and it is
I						
			Page 7			Page 9
1		SEAN M. SANBORN,	Page 7	1	approximate	Page 9
1 2	called as a	SEAN M. SANBORN, witness on behalf of the Plaintiffs, ha	5	1 2	approximate	
		·	aving been			ely 9:03 a.m. Do you agree with all of that?
2	first duly s	witness on behalf of the Plaintiffs, ha	aving been n, and	2	A. Q.	ely 9:03 a.m. Do you agree with all of that?
2 3 4	first duly s	witness on behalf of the Plaintiffs, has	aving been n, and	2 3 4	A. Q. cloud-based	Ply 9:03 a.m. Do you agree with all of that?  I do.  Okay. The deposition is being conducted using the deper-to-peer software platform Zoom over a URL
2 3 4 5	first duly s	witness on behalf of the Plaintiffs, has sworn to tell the truth, the whole truth the truth, was examined and testified a THE WITNESS: I do.	aving been n, and	2 3 4 5	A. Q. cloud-based provided by	Ply 9:03 a.m. Do you agree with all of that?  I do.  Okay. The deposition is being conducted using the deposition peer-to-peer software platform Zoom over a URL of U.S. Legal Support. Do you understand that?
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1	Page 46 So depending on what you did that day, then you are evaluated	1	Page 48 Q. Okay. Do you recall if the City of Coquille or
2	on your performance for that day at the end of each day. So in	2	Coquille PD had any written policies or procedures on how to
3	that sense, I was.	3	document a crime scene?
4	Q. Okay. And are those written evaluations?	4	A. I don't remember.
5	A. Yes.	5	Q. Did they provide you with a camera as part of your
6	Q. So where would the records of those evaluations be	6	employment?
7	found?	7	A. Uh What type of camera are you referring to?
8	A. I have no idea where they're at now.	8	Q. Any kind of camera. Just a camera that you could
9	Q. So if you had been out on a call with Mr. Bryant	9	keep in your patrol unit to pho to take photographs.
10	during your FTEP period and something came up and a witness or	10	Sometimes it might be of a DV victim; sometimes it might be of
11			a crime scene; sometimes it might be something else. Did
12	it; go interview this person," and you conducted the interview,	12	they
13	then later Bryant would give a written evaluation of your	13	A. Yes.
14	competency in conducting that interview?	14	Q provide you with that?
15	A. Yes. And it is in several areas, and I don't	15	Okay. And did they train you on how to use the
16	recall if that was a specific area. I know it is for the Coos	16	camera?
17	County Sheriff's Office, interviewing and interactions with	17	A. I don't remember.
18	people, but I don't recall if it was for Coquille or not. I	18	Q. During your employment with the Coquille Police
19	just know that I did I did receive an FTEP evaluation at the	19	Department, did the City of Coquille or the Coquille Police
20	end of every every shift or shortly thereafter.	20	Department provide you any training in collecting and
21	Q. Okay. Fair enough. And then you would go over	21	preserving evidence?
22	those evaluations with your FTO?	22	A. Yes.
23	A. Yes.	23	Q. How often did they provide those trainings?
24	Q. Okay. But as far as testing you, like written exam	24	A. I don't know.
25	or some kind of computer thing where you sit down and are asked	25	Q. Was that also part of the FTO or FTEP process?
		l	
	Page 47		Page 49
1	a series of questions about interviewing and interrogation	1	A. Yes.
1 2	a series of questions about interviewing and interrogation techniques, did they do anything like that?	1 2	A. Yes. Q. Okay. Outside of that process were there any
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Q. Okay. And where is that -- where does your

2 understanding of that come from?

- A. 15 years of law enforcement.
- Q. Okay. Is that something you've heard referred to 5 as a "Brady list"?
- A. Yes.
- Q. Okay. Has anyone in the City of Coquille or -- did
- 8 the City of Coquille or the Coquille Police Department ever
- 9 provide you with any training on your obligation to turn over 10 evidence in an investigation to the defense team?
- A. Yes. As a matter of policy, we were to log all 12 evidence into the Coos County -- or not -- I'm sorry -- the
- 13 Coquille Police Department evidence room in accordance with
- 14 policy and procedure. But as far as it went from there, that
- 15 wasn't my bailiwick.
- Q. Okay. So that's my question. Did the Coquille 17 Police Department or the City of Coquille provide you with any
- 18 training on where it went from there once a suspect was
- 19 indicted and a prosecution was taken on?
- A. No. That was not my area of responsibility.
- Q. Okay. Do you know who at Coquille Police
- 22 Department controlled or was assigned control of the evidence
- 23 after a case was indicted and a prosecution ensued?
- A. Pat Smith was -- was the evidence custodian for 25 most of the time that I was there. Um ... Randy Ulmer was

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- 1 the evidence after a suspect was indicted?
- A. Certainly there was policy and procedure over the 3 handling of evidence. Specifically over what happens once an
- 4 individual is indicted, I am not certain.
- Q. Okay. Were there any policies -- were you ever 6 provided any training on discovery obligations and what your
- 7 obligation as a law enforcement officer is to turn over
- 8 discovery to a criminal defendant?
- A. No. Again, I didn't -- when I worked for the City
- 10 of Coquille, I didn't really deal with that. The most that I 11 would deal with something of that nature is if I was going to
- 12 court and the district attorney was requesting that a specific
- 13 piece of evidence be brought to court. That would be signed
- 14 out to me; I would take it with me to trial and -- or the
- 15 proceeding and turn it over to the district attorney for the
- 16 course of that proceeding, bring it back, put it away when we 17 were done.
- Q. Okay. Either at the Coquille Police Department or
- 19 at the Coos County Sheriff's Office, have you ever been 20 provided any training on your obligation to turn over evidence
- 21 regardless of what the district attorney requests?
- 22 A. No.
- Q. Okay. Are there any written policies or procedures
- 24 on that at Coos County Sheriff's Office?
  - A. Not that I'm aware of.

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- 1 also, for a very short period of time while I was there, until
- 2 he was terminated. And I think it was -- I don't recall there
- 3 being -- oh, Dave Pierce, for a period of time while I was
- 4 there, I believe was -- worked in the evidence room.
- Q. Is that P-E-A-R-C-E?
- A. P-I-E-R-C-E.
  - Q. P-I-E-R-C-E. Okay.
- And Pat Smith, when he was the evidence custodian,
- 9 who would his direct report have been?
- A. The chief of police.
- Q. Okay. And would that have been Dannels at that 11
- 12 time?
- A. When I first got there, it was Mike Reaves and then
- 14 Mark Dannels and then Janice Blue.
- Q. Okay. And do you recall what -- if we were to
- 16 think of the different chiefs as different reigns, periods of
- 17 rule, during which reigns was Pat Smith the evidence custodian
- 18 or in charge of the evidence?
- A. Certainly during Chief Dannels. Possibly during
- 20 Mike Reaves. And I'm not certain about Janice's.
- Q. Okay. So, then -- okay. So if I understand
- 22 correctly, as far as what would happen or who was responsible
- 23 for the evidence once a suspect was indicted, that wasn't
- 24 something that you had a role in, but were there written
- 25 policies and procedures about what was supposed to happen with

- Q. Are you aware -- were there any policies or
- 2 procedures on that at Coquille PD while you were there?
- A. I don't know.
- Q. Okay. While you were employed with the Coquille
- 5 Police Department, did the City of Coquille or the Coquille
- 6 Police Department provide you any training on note-taking or
- 7 report-writing?
  - A. Yes.

9

- Q. Okay. And how often was that training conducted?
- A. That was, again, indoctrinal training through the
- 11 FTEP program, as far as report-writing and note-taking.
- 12 Q. Okay. So that was, again, a function of working
- 13 with your FTO and in the FTEP program. You would write a
- 14 report, and you would get evaluated on the quality of that 15 report. Is that fair?
- - A. That is fair.
- Q. Okay. And there would be written evaluations of 17
- 18 your competency in report-writing?
- 19 A. Yes.
- Q. Okay. Is that -- did that occur only during the 20 21 FTEP period, or would that kind of evaluation go on after the
- 22 FTEP period and after your probationary period?
- A. So at Coquille Police Department we would turn our
- 24 reports into the sergeant, our supervisor, and there were
- 25 periods of time where if a report was lacking in some area

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Document 330-55

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                                                                                                                           Page 192
          A. That was -- that was a tactic that was discussed
                                                                     1 copy?
2 and that was brought back from Vidocq. I don't remember who
                                                                                    MR. MARSHALL: Jean, the State may very well want
3 told me to go out and do that that day, and I don't even
                                                                     3 copies of all of these, but I have to confer with Jesse, and
4 remember what day it was, but that was the reason for it.
                                                                        we'll get back with you in due time.
              Okay. Was there any explanation given of why
                                                                                    COURT REPORTER: Okay. Thank you.
6 Vidocq had suggested that tactic? Did Vidocq ever explain to
                                                                     6
7 anybody, you or anyone on the cold case team that you're aware
                                                                     7
                                                                                         (WHEREUPON, the deposition ended at the hour
8 of, about why you should do that?
                                                                                         of 2:32 p.m.)
          A. I was not -- and, again, there was discussion that
                                                                     9
10 I don't specifically remember, but I know that that was
                                                                    10
                                                                                                    -000-
11 something that was discussed with -- well, I think probably
                                                                    11
12 Chief Dannels or the sheriff would probably be able to answer
                                                                    12
13 that question better.
                                                                    13
14
          Q. Okay.
                                                                    14
          A. I don't -- I don't know specific -- I had never
16 talked to anybody from Vidocq, and I can tell you what I've
                                                                    16
17 heard, but at that point it's just hearing from somebody else
                                                                    17
18 that you could probably ask that question to. It's better.
                                                                    18
          Q. Yeah, that's fair enough. Okay.
19
                                                                    19
               Have you understood all of the questions that I've
20
                                                                    20
21 asked of you today?
                                                                    21
                                                                    22
          A. Yes.
23
          Q. Have all of your answers been truthful and
                                                                    23
24 accurate?
                                                                    2.4
          A. Yes.
                                                       Page 191
                                                                                                                           Page 193
                                                                     1 STATE OF OREGON
          Q. Is there anything you would like to add to make
                                                                                                       ss. CERTIFICATE
2 sure that the record is accurate and complete at this point?
                                                                     2 County of Douglas
3
          A. No.
               MR. LAUERSDORF: Okay. Well, with that, then, I'm
                                                                              I, JEAN M. KOSTNER, Certified Shorthand Reporter for the
5 done with my questions. I'll open it up for if any of the
                                                                     5 state of Oregon, do hereby certify that:
 6 other attorneys want to ask any questions, and if not, we can
                                                                               Pursuant to stipulation of counsel for the respective
7 be done.
                                                                     7 parties, hereinbefore set forth, SEAN M. SANBORN, appeared
               If the attorneys would stay on for a minute after
                                                                     8 remotely before me via Zoom videoconference at the time and
                                                                     9 place set forth in the caption hereof;
9 we -- just a second after we go off the record, I would
                                                                              That, at said time and place, I reported in stenotype
10 appreciate that.
                                                                    11 all testimony adduced and oral proceedings had in the foregoing
               MS. HENDERSON: Before we go off the record, I
                                                                    12 matter, to the best of my ability;
12 would just like to get it on this one. We would like to read
                                                                              That, thereafter, my notes were reduced to typewriting,
13 and sign, please.
                                                                    14 and that the foregoing transcript, pages 1 through 192, both
14
               MR. LAUERSDORF: Okay. Fair enough.
                                                                    15 inclusive, constitutes a full, true, and correct transcript of
               Does anyone else have any questions?
                                                                    16 all such testimony adduced and oral proceedings had and of the
               Okay. Hearing nothing, I think we can go off the
                                                                    17 whole thereof.
                                                                               IN WITNESS WHEREOF, I have hereunto set my hand and CSR
17 record.
                                                                    18
                                                                    19 stamp this 30th day of December, 2021, in the City of Roseburg,
18
               (Discussion off the record.)
                                                                    20 County of Douglas, State of Oregon.
19
               COURT REPORTER: Are you ordering the original?
20
               MR. LAUERSDORF: Sure, yeah. We'll order the
21 original.
22
               COURT REPORTER: So, Ms. Henderson, are you
                                                                    23
                                                                                                  M. KOSTNER
23 ordering a copy?
                                                                                             Certified Court Reporter
               MS. HENDERSON: I will take a copy. Thank you.
                                                                                              CSR No. 90-0051
25
               COURT REPORTER: And anybody else going to want a
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DECLARATION UNDER PENALTY OF PERJURY I, Sean Sanborn, do hereby certify under penalty of perjury that I have read the foregoing transcript of my Deposition taken on December 16, 2021; that I have made such corrections as appear noted on the Deposition Errata Page, attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct. Dated this 24th day of 250 N. BANTET ST, Coquille California. Ocegon Sean Sanborn 

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25	Sean Sanborn		Month/Date/Year	